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PTO/SB/05 (11-00)

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**CERTIFICATE OF EXPRESS MAIL (37 CFR 1.10)**

Label No. EJ939592799US

I hereby certify that the attached papers and/or fee are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date shown below in an envelope addressed to Box Patent Application, Assistant Commissioner for Patents, Washington D.C. 20231.

Jan 12, 2001  
DateMary Rutkowski  
Print NameMary Rutkowski  
Signature**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b).)

Attorney Docket No.	SEE 36525/US/N3
First Inventor or Application Identifier	W. F. Broekaert
Title	Biocidal Proteins
Express-Mail Label No.	EJ939592799US

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:	Assistant Commissioner For Patents Box Patent Application Washington, DC 20231
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1. ☒ **FEE TRANSMITTAL FORM (e.g. PTO/SB/17)**  
(Submit an original, and a duplicate for fee processing).

2. ☒ **SPECIFICATION**  
Total Pages 63 pages (including abstract)

6. ☐ **CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)**
7. ☒ **Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)**
- a. ☐ Computer Readable Form (CRF)
- b. ☐ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ paper
- c. ☐ Statements verifying identity of above copies
- d. ☒ Request to Transfer Computer Readable Form From Applicant's Previously Filed Application

3. ☒ **DRAWING(S) (35 USC 113)**  
Total sheets 42

**OATH OR DECLARATION**

- a. ☐ Newly executed (original or copy)
- b. ☒ Copy from a prior application (37 CFR 1.63(d)).  
(for continuation/divisional with Box 16 completed)
- i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
5. ☐ Application Data Sheet. See 37 CFR 1.76.

**ACCOMPANYING APPLICATION PARTS**

8. ☐ Assignment Papers (cover sheet & document(s))
9. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney
10. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
11. ☒ Preliminary Amendment
12. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
13. ☐ Certified Copy of Priority Document(s)
14. ☐ Request and Certification under 35 U.S.C. 122 (b)(2) (B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
15. ☐ Other: \_\_\_\_\_

16. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application data Sheet under 37 CFR 1.76:—

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 08/971,982  
Prior application information: Examiner A. Gupta Group/Art Unit 1653

For **CONTINUATION** or **DIVISIONAL** APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**17. CORRESPONDENCE ADDRESS**

☒ Customer Number of Bar Code Label (Insert Customer No. or Office Bar Code label here)

or ☐ Correspondence address below

PATENT TRADEMARK OFFICE

Name	Syngenta Crop Protection Inc. Liza D. Hohenschutz Intellectual Property Section		
Address	see bar code label above		
City	STATE	ZIP CODE	
Country	TELEPHONE	(302) 476-2088	FAX (302) 476-2024

#### 18. AMENDMENTS

- ☒ Amend the specification by inserting before the first line the sentence:  
 --This is a continuation of co-pending application Serial No. 08/971,982 filed on November 17, 1997 which is a continuation of Application Serial No. 08/452,078 filed December 27, 1996 now U.S. Patent 5,689,043, which is in turn a division of application Serial No. 08/377,687 filed January 25, 1995, now U.S. Patent 5,538,525, which is a continuation of application Serial No. 08/002,480 filed January 4, 1993, now abandoned, which is in turn a continuation of PCT/GB92/01570 filed August 27, 1992, now abandoned.--
- ☒ Cancel without prejudice in this application original claims 2-43 of the prior application before calculating the filing fee.

#### 19. FEE CALCULATION

Claims as filed, less any canceled by amendment above and any amendments made by Preliminary Amendment.

	No. Filed	No. Extra	Rate	Fee
<b>BASIC FEE</b>				<b>\$710.00</b>
Total Claims	3	- 20 = 0	x \$18 =	
Indep. Claims	1	- 3 = 0	x \$80 =	
Mult. Dep. Claims			\$270 =	
<b>TOTAL FILING FEE</b>				<b>\$710</b>

#### 20. PAYMENT OF FEES

- ☐ No filing fee is to be paid at this time.
- ☒ Charge Account No. 09-0013 in the amount of \$710.00. This transmittal is enclosed in duplicate.

#### 21. AUTHORIZATION TO CHARGE ADDITIONAL FEES

- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to **Deposit Account No. 09-0013**.

#### 22. PRIORITY - 35 U.S.C. 119

- ☒ Priority of application is claimed under 35 U.S.C. 119 from application No. 9118523.1, 9203038.6 and 9213526.8 filed on August 29, 1991, February 13, 1992 and June 25, 1992, respectively, in the United Kingdom.
- ☒ The certified copy has been filed in prior application Serial No. 08/377,687 filed on January 25, 1995.

#### 23. ASSIGNMENT

- ☒ The prior application is assigned of record to **ZENECA Limited (Reel 6965, Frame 0039)**.
- ☐ An assignment of the invention to \_\_\_\_\_ is attached.

#### 24. POWER OF ATTORNEY

- ☒ The Power of Attorney in the prior application is to:  
*Use only for prior applications:*  
**Paul N. Kokulis, Esq. Reg. No. 16,773**  
 and by Associate Power of Attorney:  
**Marian T. Thomson, Esq. Reg. No. 31,432**      **Dianne Burkhard, Esq. Reg. No. 41,650**  
**Liza D. Hohenschutz, Esq. Reg. No. 33,712**      **David P. LeCroy, Esq. Reg. No. 37,869**
- ☐ The power appears in the original papers in the prior application.
- ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- ☐ A new power has been executed and is attached.
- ☐ A copy of the Associate Power of Attorney in the prior application is attached.

#### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Name	Liza D. Hohenschutz
Registration No.	33,712
Signature	<i>Liza D. Hohenschutz</i>
Telephone No.	(302) 476-2088
Date	January 12, 2001

**CERTIFICATE OF EXPRESS MAIL (37 CFR 1.10) Label No. EJ939592799US**

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Jan 12, 2001  
(Date)

Mary Rutkowski  
(Printed Name)

Mary Rutkowski  
(Signature)

Docket No. SEE 36525/US/N3

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICATION OF: Willem F. Broekaert et al.**

**SERIAL NO.: Not Assigned**

**GROUP ART UNIT: Not Assigned**

**FILED: Not Assigned**

**EXAMINER: Not Assigned**

**FOR: Biocidal Proteins**

Assistant Commissioner For Patents  
Washington, D.C. 20231

Dear Sir:

**REQUEST TO TRANSFER COMPUTER READABLE FORM  
FROM APPLICANT'S PREVIOUSLY FILED APPLICATION**

In accordance with 37 CFR1.821(e), please transfer to and use in connection with the examination of this application, the computer readable form of the Sequence Listing from Applicant's other application identified as follows:

In re application of: Broekaert et al.

Serial No.: 08/002,480

Filed: January 4, 1993

For: Biocidal Proteins

The present application is a continuation of application Serial No. 08/971,982 filed November 17, 1997 which is in turn a continuation of application Serial No. 08/452,078 filed December 27, 1996, which is in turn a division of application Serial No. 08/377,687 filed

January 25, 1995, which is in turn a continuation of application Serial No. 08/002,480 filed January 4, 1993.

I hereby state that the paper copy of the Sequence Listing in the present application is identical to the computer readable copy filed for application Serial No. 08/002,480. I hereby state that the information recorded in computer readable form is identical to the written Sequence Listing and that the Sequence Listing includes no new matter.

An early and favorable Office Action is respectfully requested.

Respectfully submitted,

Syngenta Crop Protection, Inc.

Dated: January 12, 2001

By: Liza D. Hohenschutz  
Liza D. Hohenschutz  
Attorney for Applicants  
Registration No. 33,712  
Telephone: 302/476-2088

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